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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

CAESARS ENTERTAINMENT
CORPORATION d/b/a RIO ALL-SUITES
HOTEL AND CASINO,

Respondent,

and

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, DISTRICT
COUNCIL 15, LOCAL 159, AFL-CIO,

Charging Party.

No. 28-CA-060841

**REPLY TO OPPOSITION TO
CHARGING PARTY'S MOTION TO
STRIKE BRIEF**

The Board needs to draw a line in the sand here. Either briefs can be extended by appendices consisting of various material or they can't. The Board has drawn a line in the sand with respect to accepting letters that advise the Board of new cases. *Reliant Energy*, 339 NLRB 66 (2003). Such letters are limited by the number of words and have other requirements. The circuit courts accept Rule 28(j) letters with similar restriction. Here, in this high profile case, Amicus should not get away with an exhibit that is longer than its brief and which appendices contain extension of the arguments in the brief. The Board should either (a) reject the brief, (b) reject the appendix, and/or (c) allow the Charging Party to file its own appendices. The preferable course here is to draw the line in the sand and make it clear that page limits are page limits. The courts have also drawn clear lines (or in some cases expressly permitting their limited appendices) to briefs. The Board should follow this model.

Had Charging Party thought it could get away with an appendix it would have submitted a lengthy list of some of the websites and companies that provide human resources management programs which include communication functions. E.g.

1. Benefits: Gives business, managers, employees a place to manage HR payroll, benefits, compliance, etc. Connects payroll, health insurance, paid time off, other HR systems.
2. Namely: Companies can use it to handle HR, payroll, benefits, talent management.
3. Kronos Workforce Ready: Helps manage employee from pre-hire to retire. Solutions for HR, recruiting, onboarding, time tracking, payroll, etc.
4. Greenhouse: Applicant tracking software.
5. ClearCompany: Platform for hiring, onboarding, company-wide goal alignment, and performance management.
6. BambooHR: HR system offers integrated applicant tracking, onboarding tools, e-signatures, time-off tracking, performance management.
7. Paycor Perform: Payroll solution allows you to directly import employee hours, view cash requirements, and manage employee information.
8. SentricWorkforce: HR software
9. ADP Workforce Now: Human resources management, payroll, benefits, talent management, compliance, time and labor management, analytics and benchmarking.
10. Gusto: Payroll, general human resource management, benefits administration
11. Deputy: Shift scheduling.

We would have listed platforms that provide such functions as Caesar's system which existed before the Remedy system or the Remedy platform which was installed after the 2007 Handbook which is at issue. E.g.

- <https://www.capterra.com/human-resource-software/>
- <https://www.softwareadvice.com/hr/>
- <https://www.pcmag.com/article2/0,2817,2492792,00.asp>

Charging Party did not do so and has been prejudiced.

Amicus, the American Hospital Association and Federation of American Hospitals should be required to pay to some environmental organization \$1.00 per page for each page they printed and sent to counsel. Upon receiving electronic filings, counsel often print for files or other purposes. That's what we did. We then received an extra paper copy. This is a waste of paper. The remedy should be that for each paper copy printed by any other counsel, the amicus should reimburse \$1.00 per page. In addition, \$1.00 per page should be contributed to an appropriate environmental organization for the waste of paper for mailed copy. Counsel should be prohibited from passing on this expense to the client.

Dated: October 17, 2018

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
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By: /s/ David A. Rosenfeld
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PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On October 17, 2018, I served the following documents in the manner described below:

REPLY TO OPPOSITION TO CHARGING PARTY'S MOTION TO STRIKE BRIEF

- ☒ (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kkempler@unioncounsel.net to the email addresses set forth below.

On the following part(is) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 17, 2018, at Alameda, California.

/s/ Karen Kempler
Karen Kempler